

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-16 are presently pending in this case.

In the outstanding Official Action, Claims 1-3, 9, 10, and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Abe et al. (U.S. Patent Application Publication No. 20040015713, hereinafter "Abe") in view of Yoshida et al. (U.S. Patent Application Publication No. 20020042777, hereinafter "Yoshida"); Claims 4, 6, 11, and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Abe in view of Yoshida and further in view of Gonno et al. (U.S. Patent Application Publication No. 20010047419, hereinafter "Gonno"); Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Abe in view of Yoshida and further in view of Abe et al. (U.S. Patent Application Publication No. 20030031319, hereinafter "Abe '319"); Claims 7, 8, 15, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Abe in view of Yoshida and further in view of Shimamoto et al. (U.S. Patent Application Publication No. 20020126999, hereinafter "Shimamoto"); and Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Abe in view of Yoshida and further in view of Takashima et al. (U.S. Patent Application Publication No. 20040141083, hereinafter "Takashima").

With regard to the rejection of Claim 1 as unpatentable over Abe in view of Yoshida, that rejection is respectfully traversed.

Claim 1 recites in part:

    a recording and reproducing apparatus for recording  
    data to the second recording medium and reproducing data  
    from the second recording medium;  
    a content data supplying unit for supplying content  
    data; and  
    a content data managing unit for outputting content data  
    supplied from the content data supplying unit to the recording  
    and reproducing apparatus,

wherein the content data managing unit has:

recording means for correlating content data supplied from the content data supplying unit with a content identifier unique to each of content data and recording the correlated content data and content identifier to the first recording medium;

transfer management information updating means for updating transfer managing information with which content data that are recorded to the second recording medium are managed, the content data being supplied so that the content identifier and a recording medium identifier unique to each second recording medium are correlated; and

controlling means for receiving the recording medium identifier of the second recording medium loaded in the recording and reproducing apparatus, data of the second recording medium being reproduced by the recording and reproducing apparatus, and for controlling content data transferred to the recording and reproducing apparatus so that the content data recorded in the first recording medium is recorded to the second recording medium.

The outstanding Office Action cited Abe as describing “transfer management information updating means,” but conceded that Abe does not teach or suggest “that the content identifier and *a recording medium identifier unique to each second recording medium* are correlated.”<sup>1</sup> The outstanding Office Action then cited Yoshida as describing that a recording medium may be assigned a unique identifier.<sup>2</sup> However, it is respectfully submitted that neither Abe nor Yoshida teach or suggest “that the content identifier and a recording medium identifier unique to each second recording medium are correlated.”

As Abe does not even teach or suggest “a recording medium identifier unique to each second recording medium,” Abe clearly cannot teach or suggest “transfer management information updating means” as defined in Claim 1. Although Yoshida does describe that a recording medium may be assigned a unique identifier, Yoshida only describes using this

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<sup>1</sup>See the outstanding Office Action at page 3, lines 13-19.

<sup>2</sup>See the outstanding Office Action at page 4, lines 5-9.

identifier to identify the particular medium from among a plurality of media.<sup>3</sup> Thus, Yoshida does not teach or suggest *correlating* that medium identifier with a content identifier. Thus, Yoshida clearly does not teach or suggest “transfer management information updating means” as defined in Claim 1 either.

Accordingly, modifying Abe with Yoshida would only result in the device of Abe using recording media with unique identifiers. Consequently, Claim 1 (and Claims 2-8 dependent therefrom) is patentable over Abe in view of Yoshida.

Claim 9 recites in part:

correlating content data supplied from a content data supplying unit with a content identifier unique to each of content data and recording the correlated content data and content identifier to the first recording medium;  
updating transfer managing information with which content data that are recorded to the second recording medium are managed, the content data being supplied so that the content identifier and a recording medium identifier unique to each second recording medium are correlated; and  
controlling content data transferred to a recording and reproducing apparatus so that the content data recorded in the first recording medium is recorded to the second recording medium in accordance with the recording medium identifier of the second recording medium and the transfer management information that are received.

As noted above, neither Abe nor Yoshida teach or suggest that a content identifier and a recording medium identifier unique to each second recording medium are *correlated*. Thus, neither Abe nor Yoshida teach or suggest “updating transfer managing information” as defined in Claim 9. Accordingly, Claim 9 (and all claims dependent therefrom) is patentable over Abe in view of Yoshida.

With regard to the rejection of Claims 4, 6, 11, and 14 as unpatentable over Abe in view of Yoshida and further in view of Gonno, it is noted that Claims 4, 6, 11, and 14 are dependent from Claims 1 and 9, and thus are believed to be patentable for at least the reasons

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<sup>3</sup>See Yoshida, paragraph 196.

discussed above. Further, it is respectfully submitted that Gonno does not cure any of the above-noted deficiencies of Abe and Yoshida. Accordingly, it is respectfully submitted that Claims 4, 6, 11, and 14 are patentable over Abe in view of Yoshida and further in view of Gonno.

With regard to the rejection of Claim 5 as unpatentable over Abe in view of Yoshida and further in view of Abe '319, it is noted that Claim 5 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Abe '319 does not cure any of the above-noted deficiencies of Abe and Yoshida. Accordingly, it is respectfully submitted that Claim 5 is patentable over Abe in view of Yoshida and further in view of Abe '319.

With regard to the rejection of Claims 7, 8, 15, and 16 as unpatentable over Abe in view of Yoshida and further in view of Shimamoto, it is noted that Claims 7, 8, 15, and 16 are dependent from Claims 1 and 9, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Shimamoto does not cure any of the above-noted deficiencies of Abe and Yoshida. Accordingly, it is respectfully submitted that Claims 7, 8, 15, and 16 are patentable over Abe in view of Yoshida and further in view of Shimamoto.

With regard to the rejection of Claim 13 as unpatentable over Abe in view of Yoshida and further in view of Takashima, it is noted that Claim 13 is dependent from Claim 9, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Takashima does not cure any of the above-noted deficiencies of Abe and Yoshida. Accordingly, it is respectfully submitted that Claim 13 is patentable over Abe in view of Yoshida and further in view of Takashima.


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Reply to Office Action of August 3, 2006

Since Applicant has not amended the claims in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication **cannot properly be considered a Final Office Action.**

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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